

**TOWN OF FOXBOROUGH**  
**Board of Selectmen – Executive Session**  
**January 25, 2011**

Members Present: Lynda Walsh, Chairman  
Larry Harrington, Vice Chairman  
James J. DeVellis, Clerk  
Lorraine Brue  
Paul Mortenson

Others Present: Kevin Paicos Town Manager

The purpose of this Executive Session is to discuss Litigation and Review Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment.

Kevin Paicos gave a brief background on the personnel issues of Marc McFarland and Andrea McGillicuddy. He said law suits have been filed. Ms. McFarland has filed two grievances relative to disciplinary action – written reprimand and three-day suspension. There will be a termination hearing. Two claims are gone – one for “needle stick” and the other a claim by Ms. McGillicuddy that she is too stressed to work. She has been evaluated by the Town psychiatrist and found to be suitable for work. She continually abandoned her job. Marc McFarland has been terminated for refusal or careless disregard for BOH rules. The BOH concurred. She was allowed to stay for one week. All these issues are connected to the law suit. Each has asked for \$40,000, payment of attorney’s fees and an agreement to not contest unemployment claims. Kevin asked that all calls in reference to this issue be referred to him. A meeting is to be held this Monday at 5:00 p.m. Kevin will make a report and get back to the BOS. He pointed out that the case is still “alive” because of the pending law suit. A further brief discussion was held relative to a settlement on unemployment and who has the authority to hire and fire personnel under BOH.

**Executive Session Minutes –**

December 29, 2009 – Collective Bargaining - Motion by Paul Mortenson to approve and release as amended. Seconded by Lorraine Brue.

<b>Vote: 3-0-2</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Abstained
	Jim DeVellis, Clerk	Abstained
	Lorraine Brue	Yes
	Paul Mortenson	Yes

March 9, 2010 – Collective Bargaining – Motion by Paul Mortenson to approve and release as amended. Seconded by Lorraine Brue.

<b>Vote: 4-0-1</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Abstained
	Lorraine Brue	Yes
	Paul Mortenson	Yes

May 25, 2010 (1<sup>st</sup>.) – Review 8/31/10 – With Water/Sewer Commissioners – Discussion on Water/Sewer Negotiations – Motion by Paul Mortenson to approve, not release. Seconded by Larry Harrington.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

June 8, 2010 – Collective Bargaining – Motion by Paul Mortenson to approve and release.  
Seconded by Larry Harrington.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

June 22, 2010 – Collective Bargaining – Motion by Paul Mortenson to approve and release.  
Seconded by Larry Harrington.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

June 29, 2010 – Collective Bargaining – Motion by Paul Mortenson to approve and release.  
Seconded by Larry Harrington.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

July 13, 2010 – Collective Bargaining – Motion by Paul Mortenson to approve and release.  
Seconded by Lorraine Brue.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

July 27, 2010 (1<sup>st</sup>.) – Reviewed 8/31/2010 – With Water/Sewer Commissioners – Discussion –  
the purchase, exchange or lease of real property – Motion by Paul Mortenson to approve as amended not  
released. Seconded by Lorraine Brue.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

August 10, 2010 (1<sup>st</sup>.) – Reviewed 8/31/10 – With Water/Sewer Commissioners – Discussion –  
lease of real property – Motion by Paul Mortenson to approve as amended not released. Seconded by  
Lorraine Brue.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

August 24, 2010 – Discuss value and lease of real property – Motion by Paul Mortenson to  
approve as amended, not released. Seconded by Larry Harrington.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes

Paul Mortenson Yes

August 31, 2010 – Executive Session Minutes – Motion by Paul Mortenson to approve and release. Seconded by Jim DeVellis.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice Chair. Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

August 31, 2010 – Discuss Litigation – Motion by Paul Mortenson to approve as amended, not release. Seconded by Larry Harrington.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice Chair. Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

September 14, 2010 – Discussions with Kevin Paicos – Motion by Paul Mortenson to approve and release. Seconded by Lorraine Brue.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice Chair. Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

September 28, 2010 – Discuss Litigation – Motion by Paul Mortenson to approve, no release. Seconded by Lorraine Brue.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice Chair. Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

December 21, 2010 – Collective Bargaining, Personnel Issues and Strategy for Real Property Negotiations – Motion by Paul Mortenson to approve as amended and release with the exception of the paragraph regarding a \$2,000 stipend. Seconded by Larry Harrington.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice Chair. Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

Motion by Paul Mortenson to exit Executive Session for the sole purpose of adjournment. Seconded by Lorraine Brue.

**Vote: 5-0-0** Lynda Walsh, Chairperson Yes  
Larry Harrington, Vice chairman Yes  
Jim DeVellis, Clerk Yes  
Lorraine Brue Yes  
Paul Mortenson Yes

Meeting adjourned at 9:00 p.m.